

## **ATTACHMENT 8**

### **ACCELERATED STRATEGIC COMPUTING INITIATIVE (ASCI)**

### **REPRESENTATIONS AND CERTIFICATIONS**

C6939RFP6-3X

LOS ALAMOS NATIONAL LABORATORY

LOS ALAMOS, NEW MEXICO

UNIVERSITY OF CALIFORNIA

LOS ALAMOS NATIONAL LABORATORY

#### **REPRESENTATIONS AND CERTIFICATIONS**

These Representations and Certifications must be submitted with your offer. Failure to execute and submit these Representations and Certifications may be cause for the University to reject your offer.

All representations and certifications herein must be executed unless exempted by specific instructions relating to an individual representation or certifications.

As used herein, "offer" also means "quotation," "order" also means "subcontract," and "article" also means "clause."

#### **TYPE OF BUSINESS ORGANIZATION**

The Offeror represents that it operates as ☐ a corporation incorporated under the laws of the State of \_\_\_\_\_, ☐ an individual, ☐ a partnership, ☐ a nonprofit organization, or ☐ a joint venture.

#### **SMALL BUSINESS CONCERN REPRESENTATION**

The Offeror represents and certifies as part of its offer that ☐ it is, ☐ is not a small business concern and that ☐ all, ☐ not all goods to be furnished will be manufactured or produced by a small business concern in the United States, its possessions, Puerto Rico, or the Trust Territory of the Pacific Islands. As used throughout, "small business concern" means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts and subcontracts, and qualified as a small business as defined in Section 3 of the Small Business Act (15 U.S.C. 632).

#### **SMALL DISADVANTAGED BUSINESS CONCERN REPRESENTATION**

(a) **Representation.** The Offeror represents that ☐ it is, ☐ is not a small disadvantaged business concern.

(b) **Definitions.**

"Asian-Indian American," as used in this provision, means a United States Citizen whose origins are in India, Pakistan, or Bangladesh.

"Asian-Pacific American," as used in this provision, means a United States citizen whose origins are in Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, the U.S. Trust Territory of the Pacific Islands, the Northern Mariana Islands, Laos, Cambodia, or Taiwan.

"Native Americans," as used in this provision, means American Indians, Eskimos, Aleuts, and Native Hawaiians.

"Small disadvantaged business concern," as used in this provision, means a small business concern that (1) is at least 51 percent owned by one or more persons who are both socially and economically disadvantaged, or a publicly owned business having at least 51 percent of its stock owned by one or more socially and economically disadvantaged persons and (2) has its management and daily business controlled by one or more such persons.

(c) **Qualified groups.** The Offeror shall presume that socially and economically disadvantaged persons include Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Asian-Indian Americans, and other persons found to be qualified by the SBA under 13 CFR 124.1.

#### **WOMEN-OWNED SMALL BUSINESS REPRESENTATION**

(a) **Representation.** The Offeror represents that ☐ it is, ☐ is not a women-owned small business concern.

(b) **Definition.**

"Women-owned," as used in this provision, means a small business that is at least 51 percent owned by a woman or women who are U.S. citizens and who also control and operate the business.

## PREVIOUS CONTRACTS AND COMPLIANCE REPORTS

The Offeror represents that

- (a) It ( ) has, ( ) has not participated in a previous contract or subcontract subject either to the Equal Opportunity article of this solicitation, the clause originally contained in Section 310 of Executive Order No. 10925, or the clause contained in Section 201 of Executive Order No. 11114;
- (b) It ( ) has, ( ) has not filed all required compliance reports; and
- (c) Representations indicating submission of required compliance reports, signed by proposed lower-tier subcontractors, will be obtained before the award of lower-tier subcontracts.

## AFFIRMATIVE ACTION COMPLIANCE

The Offeror represents that

- (a) It has ( ) fewer than 50 employees, ( ) 50 or more employees.
- (b) It ( ) has developed and has on file, ( ) has not developed and does not have on file at each establishment affirmative action programs required by the rules and regulations of the Secretary of Labor (41 CFR 60-1 and 60-2) or that
- (c) It ( ) has not previously had contracts or subcontracts subject to the requirement of written affirmative action programs of the rules and regulations of the Secretary of Labor.

## BUY AMERICAN CERTIFICATE

The Offeror certifies that each end product, except those listed below, is a domestic end product (as defined in the Buy American Act), and that components of unknown origin are considered to have been mined, produced, or manufactured outside of the United States.

Excluded End Products	Country of Origin
_____	_____
_____	_____

(See FAR 25.108(d) for goods excepted from the Buy American Act)

## PREFERENCE FOR LABOR SURPLUS AREA CONCERNS

- (a) This acquisition is not a set-aside for labor surplus area (LSA) concerns. However, the Offeror's status as such a concern may affect (1) entitlement to award in case of tie offers or (2) offer evaluation in accordance with the Buy American Act article of the order. To determine whether the Offeror is entitled to a preference under (1) or (2) above, the Offeror must identify below the LSA in which the costs to be incurred on account of manufacturing or production (by the Offeror or the first-tier subcontractors) amount to more than 50 percent of the order price.

_____	_____	_____
_____	_____	_____

- (b) Failure to identify the locations as specified above will preclude consideration of the Offeror as an LSA concern. If the Offeror is awarded an order as an LSA concern and would not have otherwise qualified for award, the Offeror shall perform the order or cause the order to be performed in accordance with the obligations of the LSA concern.

#### **PERSONAL CONFLICT OF INTEREST CERTIFICATION**

An affirmative response in the following certification will require the University to evaluate your offer to determine whether a conflict of interest exists. A determination that a conflict of interest does exist may necessitate rejection of your offer. The fact that an employee, former employee, or near relative of an employee owns, controls, or has a significant financial interest in your organization will not, in and of itself, necessarily be cause for rejection of an offer.

#### **Definitions:**

**Employee:** Any person currently having an employee relationship with any entity of the University of California, including the Los Alamos National Laboratory

**Former Employee:** Any person who does not presently have, but within the previous two years did have, an employee relationship with any entity of the University of California, including the Los Alamos National Laboratory.

**Near Relative:** The employee's or the former employee's spouse, parents, siblings, children, and adoptive relatives, step relative, and relatives-in-law in any of the above relationships.

**Control:** Having some right to direct or transfer property (even though there exists no actual title to the property, such as trusteeship, power of appointment, or contract) that could be the basis for influence upon the selection or decisions of an organization's management personnel.

**Significant Financial Interest:** Owning or controlling more than ten percent of the organization.

#### **Certification:**

To the best of my knowledge, an employee of the University of California, former employee of the University of California, or a near relative of an employee or former employee ( ) does, ( ) does not own, control, or have significant financial interest in the Offeror's organization.

If an employee, former employee, or near relative thereof does own, control, or have a significant financial interest in the Offeror's organization, identify the employee or former employee and the University of California entity where that person is employed.

#### **AUTHORIZED NEGOTIATORS**

The Offeror represents that the following persons are authorized to negotiate on its behalf with the University concerning this solicitation: [List names, titles, and telephone numbers of the authorized negotiators.]

Name	Title	Telephone Number
_____	_____	_____

---

---

**FACILITIES CAPITAL COST OF MONEY**

**(Must be completed for offers priced on the basis of cost analysis if the Offeror is a commercial organization)**

- (a) Facilities Capital Cost of Money will be an allowable cost under the contemplated order but only if the Offeror elects to claim it below. If the Offeror elects to claim this cost, the Waiver of Facilities Capital Cost of Money will be excluded from the order. If the Offeror does not elect to claim this cost, the order will include the Waiver of Facilities Capital Cost of Money.
- (b) By including an item of proposed allowable cost in response to this solicitation, the Offeror will be deemed to have elected to claim Facilities Capital Cost of Money.

**CERTIFICATION OF NONSEGREGATED FACILITIES**

**(Must be completed for offers exceeding \$10,000)**

- (a) "Segregated facilities," as used in this provision, means any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation and housing facilities provided for employees that are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin because of habit, local custom, or otherwise.
- (b) By the submission of this offer, the Offeror certifies that it does not and will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it does not and will not permit its employees to perform their services at any location under its control where segregated facilities are maintained. The Offeror agree that a breach of this certification is a violation of the Equal Opportunity article in the order.
- (c) The Offeror further agrees that (except where it has obtained identical certifications from proposed lower-tier subcontractors for specific time periods) it will
  - (1) Obtain identical certifications from proposed lower-tier subcontractors before the award of lower-tier subcontracts under which the lower-tier subcontractor will be subject to the Equal Opportunity article;
  - (2) Retain the certifications in the files; and
  - (3) Forward the following notice to the proposed lower-tier subcontractors (except if the proposed subcontractors have submitted identical certifications for specific time periods):

**Notice to Prospective Subcontractors  
of Requirements for Certifications of  
Nonsegregated Facilities**

A Certification of Nonsegregated Facilities must be submitted before the award of a subcontract under which the subcontractor will be subject to the Equal Opportunity article. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).

**NOTE:** The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

**CONTINGENT FEE REPRESENTATION AND AGREEMENT**

**(Must be completed for offers exceeding \$25,000)**

- (a) **Representation.** The Offeror represents that, except for full-time bona fide employees working solely for the Offeror, the Offeror
- (1) ( ) Has, ( ) has not employed or retained any person or company to solicit or obtain this order; and
  - (2) ( ) Has, ( ) has not paid or agreed to pay to any person or company employed or retained to solicit or obtain this order any commission, percentage fee, brokerage fee, or other fee contingent upon or resulting from the award of this order.
- (b) **Agreement.** The Offeror agrees to provide information relating to the above representation as requested by the University and, when subparagraph (a)(1) or (a)(2) is answered affirmatively, to promptly submit to the University
- (1) A completed Standard Form 119, Statement of Contingent or Other Fees. (SF 119); or
  - (2) A signed statement indicating that the SF 119 was previously submitted to the University, including the date and applicable solicitation or order number, and representing that the prior SF 119 applies to this offer.

For interpretation of the representation, including the term "bona fide employee," see Subpart 3.4 of the Federal Acquisition Regulations.

**CERTIFICATE OF INDEPENDENT PRICE DETERMINATION**

**(Must be completed for offers exceeding \$25,000)**

- (a) The Offeror certifies that
- (1) The prices in this offer have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other Offeror or competitor relating to (i) those prices, (ii) the intention to submit an offer, or (iii) the methods or factors used to calculate the prices offered;
  - (2) The Offeror has not disclosed and will not knowingly disclose directly or indirectly the prices in this offer to any other Offeror or competitor before subcontract award unless otherwise required by law; and
  - (3) The Offeror has not attempted and will not attempt to induce any other concern to submit or not to submit an offer for the purpose of restricting competition.
- (b) Each signature on the offer is considered to be a certification by the signatory that the signatory
- (1) Is the person in the Offeror's organization responsible for determining the prices being offered in this proposal and that the signatory has not participated and will not participate in any action contrary to subparagraph (a)(1) through (a)(3) above; or

- (2)(i) Has been authorized in writing to act as agent for the following principals in certifying that those principals have not participated and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above \_\_\_\_\_ [insert full name of person(s) in the Offeror's organization responsible for determining the prices offered in this proposal and the title of his or her position in the Offeror's organization];
- (2)(ii) As an authorized agent, does certify that the principals named in subparagraph (b)(2)(i) above have not participated and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above; and
- (2)(iii) As an agent, has not personally participated and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above.
- (c) If the Offeror deletes or modifies subparagraph (a)(2) above, the Offeror must furnish with its offer a signed statement setting forth in detail the circumstances of the disclosure.

#### **CLEAN AIR AND WATER CERTIFICATION**

**(Must be completed for offers exceeding \$100,000)**

The Offeror certifies that

- (a) Any facility to be used in the performance of this proposed order ( ) is, ( ) is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities;
- (b) Before award, the Offeror will immediately notify the University of the receipt of any communication from the Administrator, or a designee, of the EPA, indicating that any facility that the Offeror proposes to use for the performance of the order is under consideration to be listed on the EPA List of Violating Facilities; and
- (c) The Offeror will include a certification substantially the same as this certification, including this paragraph (c), in every nonexempt lower-tier subcontract.

#### **ADDITIONAL REQUIREMENTS AND INFORMATION**

- (a) The University requires delivery not later than \_\_\_\_\_
- (b) The Offeror's Dun and Bradstreet Number \_\_\_\_\_
- (c) The principle location of performance on this order will be \_\_\_\_\_
- (d) The proposed terms of payment are \_\_\_\_\_
- (e) The F.O.B. point upon which this offer is based is \_\_\_\_\_
- \_\_\_\_\_
- (f) The estimated total shipping weight is \_\_\_\_\_
- (g) The shipping point will be \_\_\_\_\_

\_\_\_\_\_  
Solicitation Number

---

Offeror's Name

---

Name and Title of Individual  
Authorized to Sign for Offeror

---

Signature



## ADDITIONAL REPRESENTATIONS AND CERTIFICATIONS

The following information is required to be submitted with proposals.

Large Business? ☐ Yes ☐ No

If yes: ☐ Woman-Owned  
☐ Minority-Owned

Parent Company certification:

A "parent company" for the purpose of this certification is one that owns or controls the activities and basic business policies of the offeror. To own the offering company means that the parent company must own more than 50 percent of the voting rights in the company. A company may control an offeror as a parent even though the company does not meet the requirement for such ownership if the parent company is able to formulate, determine, or veto basic policy decisions of the offeror through the use of dominant voting rights, use of proxy voting, or otherwise.

The offeror ☐ is, ☐ is not owned or controlled by a parent company.

If the offeror certified above that it is owned or controlled by a parent company, the following information shall be provided

\_\_\_\_\_  
Parent Company Name

\_\_\_\_\_  
Main Office Address (include zip code)

\_\_\_\_\_  
Parent Company's Employer Identification Number

If the offeror certified above that it is not owned or controlled by a parent company, provide the offeror's Employer Identification Number below.

\_\_\_\_\_  
Employer Identification Number

\_\_\_\_\_  
Solicitation Number

\_\_\_\_\_  
Offeror's Name

\_\_\_\_\_  
Name and Title of Individual  
Authorized to Sign for Offeror

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

MAT-7 Form 2002A (8/89)